

## **TOWN COUNCIL MEETING**

**July 17, 2007 at 7:00 p.m.**

### **BOARD OF LICENSE COMMISSIONERS**

**The meeting of the Board of License Commissioners was called to order at 7:08 p.m. by Council President Jeremiah O'Grady.**

**Present were Council President O'Grady, Councilors Flynn, Jahnz, Macksoud, and McKenna. Also present was Town Administrator T. Joseph Almond, Finance Director John Ward, Town Planner Albert Ranaldi, Town Solicitor Anthony DeSisto, and Sue P. Sheppard substituting for Town Clerk Karen D. Allen.**

**The meeting opened with the Pledge of Allegiance to the flag.**

### **Presentations**

**David Sale presented the Horlborgen Trophy for the best theme trophy in the Memorial Day Parade to Kats Dance Center. The trophy is kept at the Town Hall and has the names of all the winners engraved. The trophy is named for William Horlbogen, American Legion Post member, and strong supporter of the Town and the**

**Memorial Day Parade. Robert W. Kay, American Legion Post Commander, presented a plaque to the Dance Center along with a check for \$100. Troop 1 Manville received a special award for their float honoring our troops. They were presented a check for \$50 by the Post and the Memorial Day Parade Committee.**

## **Public Informational Hearing – RI Airport Corporation**

**Presentation by members of the RI Airport Corporation on the tree clearing operations to be done at North Central State Airport. Michael Mini presented a general overview and history of the airport and the project. Other presenters were Brenda Pope, Scott Rabidoux and Patty Goldstein.**

**The FAA has obstruction requirements. The Airport Corporation must comply with these regulations. Safety is of paramount importance at the airport. In the tree clearing operation, only those trees designated as essential will be removed. Originally, 195 acres were to be cleared. This number was reduced to 148, with the final design coming in at 106 acres. The addition of obstruction lights has saved approximately 90 acres of trees. They will cast about 150 feet of light and will be between 30 and 70 feet high. The corporation is trying to be sensitive to the wetlands. They will manage the vegetation with a vegetation plan. This is Phase 1 of a two phase project. Phase 2 is off the airport property and will be accomplished by easements, etc.**

**They intend to start the project on August 1, and expect the clearing to take 60 days. A completion date of October 31 is expected, however addition of the fence might take a little longer.**

**There is funding for Phase 2. Councilor Macksoud spoke about the drifts in the winter along Limerock Road. He asked that the corporation work with the state regarding the drifts and ice forming along the roadway.**

**There are no plans at present to use any chemicals to keep the vegetation down.**

**James Spooner asked where else this type of work had been done. Mr. Mini stated clearing has been done at Newport, Providence, Block Island, and Westerly.**

**Water Commissioner Hadley asked if they had considered the new water tower. Mr. Mini stated that trees don't need to be cleared near the water tower.**

**Mr. Mini gave a CD and the Powerpoint presentation to the Town for use by the Town and the public.**

**Minutes**

**Council President O'Grady stated that the April 17 minutes were already approved.**

**Voted unanimously to approve the minutes of the June 19 meeting as presented. (Jahnz – Macksoud)**

### **Public Hearing**

**Council President opened the public hearing on the granting of a BVL License to Blackstone Pizza and Grill at 3 Wake Robin Road. Since the applicant was not at the hearing, Councilor McKenna asked to have the hearing continued.**

**Motion by Councilor McKenna, seconded by Councilor Flynn, to continue the public hearing until next month so the applicant can be present.**

**Voted unanimously to amend the motion to continue the public hearing until the August 2 meeting. (Macksoud – McKenna)**

**Voted unanimously to pass the original motion, as amended.**

### **Application for Holiday Sales License**

**Voted unanimously to grant a Holiday Sales License to Front St. Fresh Market d/b/a Brigido's Fresh Market. (Flynn – Macksoud)**

**Voted unanimously to adjourn the Board of License Commissioners at 7:50 p.m. (Jahnz – McKenna)**

## **TOWN COUNCIL**

**The regular Town Council meeting was called to order at 7:50 p.m.**

### **Consent Agenda**

**Voted unanimously to approve the consent agenda as presented. (McKenna – Macksoud) The consent agenda consists of the following:**

### **Minutes (\*)**

- 1. April 17 – Regular Meeting**
- 2. June 18 – Purchasing Committee**
- 3. June 18 – Work Session**

**. Communications (\*)**

**1. State Mandated Financial Reports**

**a. Town**

**b. School**

**c. Water Department**

**2. RI DEM**

**3. RI DEM**

**4. James B. Spooner**

**Reports (\*)**

**1. Town Administrator**

**Tax Abatements (\*)**

**1. \$68,102.92**

**Public Comment**

**James B. Spooner addressed the Council regarding the Town's traffic safety program and asked that Lonsdale Main Street and Lonsdale**

**Avenue near the Narrows be looked at. He also spoke about tax increases.**

**Ed Slattery addressed the Council regarding looking at the Town taking over the responsibility of fire safety and abolishment of the many fire districts.**

**Town Administrator T. Joseph Almond noted that Lincoln has been named #60 on the list of MONEY Magazine's Top 100 Small Cities in which to live. Lincoln was the only Rhode Island town to make the list.**

## **Minutes**

**Voted unanimously to defer all the minutes from April 16 to the next regular Town Council meeting. (Macksoud – Flynn)**

**Voted unanimously to defer the minutes of the April 17 Ordinance, Public Safety, and Claims Committee meetings to the next regular Town Council meeting. (Macksoud – Flynn)**

**Council President O'Grady asked to have the June 18 Public Safety Committee minutes amended to reflect that although he noted the police website was down, it was not the reason the traffic program wasn't up and running.**

**Voted unanimously to approve the minutes of the June 18 Public Safety Committee minutes, as amended. (Jahnz – Flynn)**

**Council President O’Grady asked to have the June 19 Regular meeting minutes corrected to reflect action taken requesting the Clerk to correspond with the state regarding traffic issues at the middle school.**

**Voted unanimously to approve the minutes of the June 19 regular meeting, as amended. (McKenna – Macksoud)**

**Voted unanimously to defer action on the July 6 minutes to the next regular meeting. (Macksoud – Flynn)**

## **Appointments**

### **1. Tenant Board – District 4**

**Voted unanimously to appoint Karen Zangari as the District 4 representative to the Tenant Board from District 4. (Jahnz – Flynn)**

### **2. Sewer Appeals - District 1**

**Voted unanimously to defer the appointment of the District 1 representative to the Sewer Appeals Board. (Macksoud – Jahnz)**



### **3. Conservation Commission – District 4**

**Voted unanimously to defer the appointment of the District 4 representative to the Conservation Commission. (Jahnz – Flynn)**

### **4. Conservation Commission – District 2**

**Voted 4 to 0 with Councilors Jahnz, O’Grady, Macksoud, and McKenna in favor and Councilor Flynn abstaining, to re-appoint Daniel Flynn as the District 2 representative to the Conservation Commission for a full term. (Jahnz – McKenna)**

### **5. Personnel Board**

**Voted unanimously to re-appoint Rev. Richard Desaulniers as a member of the Personnel Board, on recommendation of the Town Administrator. (Macksoud – McKenna)**

## **Monthly Bills**

#### **1. Accounts Payable – Library: \$46,240.05**

**Voted unanimously to authorize payment of the 2006/2007 Library Accounts Payable at \$46,240.05. (Macksoud – Jahnz)**

#### **2. Accounts Payable – Town: \$150,490.53 and \$99,729.87**

**Voted unanimously to authorize payment of the 2006/2007 Town Accounts Payable at \$150,940.53. (Macksoud – Jahnz)**

**Voted unanimously to authorize payment of the 2007/2008 Town Accounts Payable at \$99,729.87. (Macksoud – Jahnz)**

**3. Direct Pay – Town: \$1,521,194.93 and \$169,057.98**

**Voted unanimously to authorize payment of the 2006/2007 Direct Pay Bills at \$1,521,194.93. (Macksoud – Jahnz)**

**Voted unanimously to authorize payment of the 2007/2008 Direct Pay Bills at \$169,057.98. (Macksoud – Jahnz)**

**Unfinished Business**

**1. Claims Committee Report**

**a. Diane Good**

**Voted unanimously on recommendation of the Claims Committee to accept the release of Diane Good. (McKenna – Macksoud) This claim was settled by the Trust.**

**b. Richard C. Tallo Attorney for Deborah Scott**

**Voted unanimously on recommendation of the Claims Committee to deny the claim of Deborah Scott and refer to the Interlocal Trust. (McKenna – Macksoud)**

**c. Dennis Pierson**

**This claim was deferred in committee.**

## **2. Ordinance Committee Report**

**Ordinances – vote on Ordinances for consideration and/or passage**

### **a. Ordinance 07-06: Creation Lonsdale Redevelopment Agency**

**This ordinance was deferred in committee.**

### **b. Ordinance 07-09: Amendment to Adult Entertainment Ordinance**

**This ordinance was deferred in committee.**

### **c. Ordinance 07-10: Establishment of Class C License**

**Voted unanimously by roll call vote and on recommendation of the Ordinance Committee to approve the ordinance establishing a Class C Alcoholic Beverage License. (Macksoud – Jahnz)**

## **Ordinance 07- 10a**

**The Town Council of the Town of Lincoln hereby ordains that the Code of Ordinances, Town of Lincoln, Rhode Island, is hereby amended by amending Article III, entitled “License Fee Schedule”, § 117-6 “Fees for licenses”:**

## **Alcoholic Beverage License**

**Class C     \$400.00**

**This section shall take effect upon passage.**

**A Class C license permits the sale of alcoholic beverages without food. Hours of operation are restricted. Applicants can sell pre-packaged food items.**

**d. Ordinance 07-11: Amendment to Non-Classified Employee Compensation Ordinance**

**Voted unanimously by roll call vote on recommendation of the Ordinance Committee to approve the amendments to the Non-classified Employee Compensation Ordinance. (Macksoud – Jahnz)**

**This ordinance amendment changes the minimum salary limits of the**

**Director of Human Services and brings the compensation of the Chief of Rescue Services and the Personnel Director into line with the minimum salary limits of the ordinance. The total value of these changes is approximately \$3,800.**

**e. Ordinance 07-12: Amendment to Juvenile Hearing Board Ordinance**

**Voted unanimously by roll call vote on recommendation of the Ordinance Committee to approve the amendments to the Juvenile Hearing Board Ordinance. (Macksoud – McKenna)**

**Ordinance 07-12**

**An Amendment to Article VI of the Lincoln Code  
Juvenile Hearing Board.**

**The Town Council of the Town of Lincoln hereby ordains that the Code of Ordinances, Town of Lincoln, Rhode Island, is hereby amended by adding a section, to be numbered , which reads as follows**

**§ 5-27. Administration.**

**B. (2) Resumes will be received by the Personnel Director of the**

**Town, or designee, who with the Screening Committee shall submit up to five candidates to the Town Administrator, or designee, who in turn will certify and submit all qualified names to the Town Council for final appointment. The representatives on the Juvenile Hearing Board do not have to be appointed by the district. The Council as a whole shall select an alternate from the list submitted by the Screening Committee. If there is a resignation from the Board, the alternate will assume that position, and the Screening Committee shall submit a new list of not more than five names to the Council to be appointed as an alternate member. The Councilor whose appointee resigned shall appoint the new alternate member.**

**C. The Screening Committee will be comprised of the following persons:**

**(1) The Personnel Director of the Town of Lincoln or designee**

**(2) A representative of the Lincoln School Department: the Superintendent, the High School Principal, or designee**

**(3) The Lincoln Substance Abuse Prevention Council Coordinator**

**(4) The Chair of the Juvenile Hearing Board**

**D. The length of term will be three years. Once an appointee has served two full terms, that appointee may request appointment for**

**one additional term, otherwise the Councilor of the District shall appoint a new member from the list submitted by the Screening Committee.**

**This section shall take effect upon passage.**

**These amendments bring the ordinance into line with the state statutes, remove the term limit requirements of the Board members, and changes the application process. These changes were reviewed by the Town Administrator, Chair of the Juvenile Hearing Board, and the Town Solicitor.**

**f. Ordinance 07-13: 50/50 Curbing Revolving Fund**

**Councilor Macksoud explained that the Ordinance Committee voted 2 to 1 to refer this ordinance to the Town Council and recommend approval.**

**Motion by Councilor McKenna, seconded by Councilor Macksoud, to defer action on this ordinance until the August 2 meeting. He explained that he has just received the changes to the ordinance and would like an opportunity to review the changes. He indicated he has a problem with some parts of the ordinance.**

**Councilor Flynn stated that he doesn't want this ordinance deferred. The Town may want to go to bid again. The changes made were small. He noted that the changes were in the name of the program**

and in creating a revolving fund, and in allowing payment of the homeowner part of the replacement over a 10-year period of time at a 5% interest rate.

Councilor McKenna indicated he wanted to make sure he understands all part of the ordinance, since one of these changes adds sidewalks to the program. He is concerned about loan defaults. He noted that the sewer program was different because the Town issued bonds for that program. He wants to look at the program carefully, wants to know the fiscal impact. He feels fewer people will be able to participate in the program.

Councilor Macksoud feels these new changes are problematic. He had a number of questions. Will it cover new sidewalks? What about financial need? Is there a needs test to borrow the funds? He feels the Town should not be looking to be in the banking business. There is nothing in the ordinance to stop developers or people who own rental property from using the funds and applying for the loan. There is no limit to the amount of money to be borrowed. He feels there should be a monetary limit. He also feels there should be some prioritization of work. There should be some consideration given to deteriorating sidewalks and curbs vs. those with a few nicks. He doesn't see any harm deferring action on this ordinance.

Council President O'Grady indicated that he has no problem with the ordinance, just with the program itself. He asked if there would be a



**problem deferring to the August 2 meeting.**

**Councilor Jahnz asked how the 5% interest rate was derived. In choosing the interest rate, Councilor Flynn stated that he chose one that would be less than what a resident would pay for a home equity loan and more than the Town would pay putting the money in the bank.**

**Councilor Macksoud wants answers to his questions. Would loans go to anyone or just the most needy? How will the loan program be administered? Who gets the loans?**

**Councilor Flynn indicated he isn't concerned with abuse.**

**Voted 3 to 2 with Councilors Macksoud, McKenna and O'Grady in favor and Councilors Flynn and Jahnz opposed to approve the motion to defer action on this ordinance until the August 2 meeting.**

**Voted unanimously to dispense with the normal order of business and add to the agenda a discussion on update of the location of the Court House. (Macksoud – Jahnz)**

**Councilor Macksoud gave an update of passage of resolution No. 07-16, noting that he wanted to wait to pass any resolution until discussion had been held with representatives of the judiciary. After passage of the resolution, the Council changed the Zoning Ordinance**

so that court houses would not be allowed on the CCRI property. However, the General Assembly could vote to allow a court house on the property. Councilor Macksoud reached out to the Chief Justice through the Town's elected state senator and representative, and had a meeting to suggest that alternate sites be reviewed. Councilor Macksoud met with Town Administrator Almond and they have identified three alternate sites. In a subsequent meeting with the Chief Justice, the Chief Justice assured those at the meeting that he would give the sites a thorough assessment. He stated he would listen to the Town and would work with the Town. Councilor Macksoud stressed the importance of keeping the line of communication open and noted that the Chief Just is more than willing to discuss this with Lincoln's elected officials. Councilor Macksoud is optimistic a new site can be agreed upon.

Councilor Flynn noted that the resolution was approved by a 5-0 vote. He noted that the Solicitor had given a legal opinion regarding the court house. He stated that Representatives Petrarca and McManus support the Court House and that meetings were never reported to the Town Council. He feels they were secret meetings. No one knew the project was so far along. The Chief Justice will now look at other sites because the zoning was changed by the Council. He objects to the additional traffic on Front Street. The court house will add to traffic from the airport, Lincoln Woods, and CCRI. He doesn't want the court house.

**Councilor Macksoud added that the meetings weren't secret and that much more can be accomplished by keeping the lines of communication open. He feels the resolution cut off communication.**

### **Public Safety Committee Report**

**The Public Safety Committee did not meet and had no report.**

### **Purchasing Committee Report**

#### **. Bids**

**a. Cut and Patch Bituminous Concrete**

**b. Bituminous Concrete-in Place**

**The Purchasing Committee reported there was no action required. These items were deferred at the last regular meeting and approved at the meeting on July 5. The Committee has received the draft purchasing procedures and will meet with the Town Administrator and Finance Director.**

### **Capital Improvement Committee Report**

**Councilor McKenna reported on behalf of the Senior Center Sub-Committee. They visited the South Kingstown Senior Center and the Johnston Senior Center. There are no other meetings scheduled**

of the sub-committee. The next meeting of the whole committee is August 2. The bids for the consultant are due on the 25th. The consultant will review all the documents the Town has, reviewing capital improvements in general.

### **Mount Ave / Cobble Hill Road Survey**

The survey concluded that part of the Town's right of way actually belongs to the home on the corner of Mount Avenue and Cobble Hill Road. The surveyor has provided a sketch of the boundaries. Council President O'Grady indicated the Town should receive a better product. It appears that only four feet of the street is owned by the Town. Comment made that perhaps there should be a stop sign on Mount Avenue. Suggestion that no action be taken for now.

### **Code Enforcement Issues**

Solicitor DeSisto noted that the Zoning Officer had frustration with the previous solicitor. There are 37 complaints to be resolved. Currently there are two going into court. Some of the complaints will be addressed in Municipal Court. There are four ready to go into Municipal Court. Solicitor DeSisto noted he is working closely with the Zoning Officer since some of the issues need to be handled jointly. He noted that the Zoning Officer is very capable and working diligently to handle each and every complaint.

## **Status of Banneker Industries Environmental Site Assessment**

**Town Planner Ranaldi gave a recap of action on the H & H/Banneker site. In January of 2007, the vendor who was awarded the bid by DEM began the file review which took five months. In June of 2007, the vendor secured a property access agreement from RIDOT. In July and August of 2007, they will do soil borings. In September of 2007, they will review the data. A site investigation report is schedule to go to DEM by October of 2007. In November of 2007, they should prepare a remedial action plan and by December of 2007 they should have a work plan in place.**

**Councilor Flynn feels the Town should take Mr. Azar's advice and bring Banneker into receivership.**

**Solicitor DeSisto stated that before any action is taken, the Town needs the site assessment report.**

### **New Business**

#### **Resolution introduction for referral to Committee**

##### **a. Resolution 07-30: Authorization to sell lots**

**Voted unanimously for immediate consideration of this resolution.**

**(Macksoud – Jahnz)**

**Resolution 07-30**

**RESOLUTION AUTHORIZING THE TOWN ADMINISTRATOR  
TO MARKET CERTAIN PARCELS OF TOWN OWNED LAND**

**WHEREAS, the Town of Lincoln recently acquired certain parcels of land in a legal  
settlement with Lombeau, Inc., and;**

**WHEREAS, the Town of Lincoln previously authorized said acquisition by Resolution 07-22 dated May 15, 2007 through the use of Open Space Restricted Surplus funds with restrictions, and;**

**WHEREAS, the Town of Lincoln desires to sell certain lots previously purchased while retaining other parcels for open space, and;**

**THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lincoln that T. Joseph Almond, Town Administrator, is hereby authorized to market lots located at Ballou & Progress Streets, Plat 7, Lots 46, 47 & 162 and that any proceeds from a sale of the lots shall revert back to the Open Space Restricted Surplus account.**

**Introduced by Town Administrator, T. Joseph Almond**

**Adopted this 17th day of JULY 2007.**

**Town Administrator Almond noted that these lots can be sold and the money returned to the open space account. The Town was court ordered to purchase the property on Ballou Street. The Town would keep two lots which flood and sell three lots. This resolution just begins the process of investigating the avenues for sale of the lots. Approval to actually sell the lots would come from the Town Council.**

**Voted unanimously to pass Resolution No. 07-30. (Jahnz – Macksoud)**

**b. Resolution 07-31: Transfer funds for Lonsdale School upgrades**

**Voted unanimously for immediate consideration of this resolution. (Jahnz – Macksoud)**

**Town Administrator Almond explained that the Lonsdale Field and Manville can be upgraded with the \$950,000 available with the Lincoln Park money. He explained there is a problem with drainage at Lonsdale School, and as part of the Lonsdale Field project, the drainage system will be improved. This moves \$330,000 into the school capital account. The \$330,000 will be eligible for state**

**reimbursement. The Town contribution will be \$540,000 for Lonsdale Field. The Town is ready to send out RFP's.**

**Voted unanimously to pass Resolution No. 07-31. (Jahnz – Macksoud)**

### **Resolution 07-31**

## **RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS**

**WHEREAS, interest earned on School Bond Fund accounts was accumulated and designated for use toward additional school building needs, and;**

**WHEREAS, the amount of accumulated interest earned exceeds the \$35 million bond total by \$1,374,543, of which approximately \$1 million has been spent or encumbered for school projects, and;**

**WHEREAS, the Town desires to upgrade the school and park facilities at the site of the Lonsdale School and park, now**



**THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lincoln that \$330,000 be transferred from the School Bond Fund to the School Capital Reserve to be used for the school portion of the upgrades to the Lonsdale School building and property.**

**Introduced by Town Administrator T. Joseph Almond**

### **Change Order – Middle School Field Lighting**

**Town Administrator Almond explained that during the installation of lights at the middle school, the vendor encountered ledge in two places. This change order is to change the installation method for two light bases in an amount not to exceed \$9,500.**

**Voted unanimously to approve the change order for middle school lighting in an amount not to exceed \$9,500. (Macksoud – McKenna)**

### **Communication – Joanne McManus - Personnel Director**

**This communication relates to the pay for the secretary of the Conservation Commission and wasn't properly posted for action. Council President O'Grady asked that this be placed on the August 2 agenda for action under new business.**

**Voted unanimously to place this item on the agenda for the August 2 meeting. (Jahnz – Macksoud)**

**Ms. Leslie Alexander spoke briefly with the Council, indicating that when she was paid as the secretary of the Conservation Commission from 1998 to 2005, there were no objections.**

**Councilor McKenna announced that the Claims Committee would meet on August 21 at 6:45 p.m.**

**Voted unanimously to adjourn at 9:45 p.m. (McKenna – Macksoud)**

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**Sue P. Sheppard**